

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CR-00046-KDB-DSC-1

USA

v.

CHRISTOPHER DAVID MUGGLER

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ORDER

THIS MATTER is before the Court upon motion of the defendant *pro se* for a change in placement of confinement and available programming and appointment of counsel. According to the Bureau of Prison website, the defendant is scheduled to be released from prison on April 7, 2025.

It is the responsibility of the Attorney General, through the Bureau of Prisons, to designate the place of incarceration, *United States v. Evans*, 159 F.3d 908, 912 (4th Cir. 1998) (authority to designate place of confinement vested in BOP), which is reflected in the language of the statute that “[t]he Attorney General, in coordination with the Director of the Bureau of Prisons, shall,..., conduct the following activities to establish a Federal prisoner reentry initiative.” 34 U.S.C. § 60541(a).

A defendant has no constitutional right to the appointment of counsel to file post-conviction motions. *Lawrence v. Florida*, 549 U.S. 327, 336-37 (2007) (citing *Coleman v. Thompson*, 501 U.S. 722, 756-57 (1991)); *Rouse v. Lee*, 339 F.3d 238, 250 (4th Cir. 2003), *cert. denied*, 541 U.S. 905 (2004) (citing *Pennsylvania v. Finley*, 481

U.S. 551, 555-56 (1987) (no constitutional right to counsel beyond first appeal of right)).

The Court may, in some circumstances, appoint counsel to represent a prisoner when the interests of justice so require, and the prisoner is financially unable to obtain representation. See 18 U.S.C. § 3006A(a)(2)(B). In the instant case, however, Defendant has not established that the interests of justice require the appointment of counsel. See *United States v. Riley*, 21 F. App'x 139, 141-42 (4th Cir. 2001). The Court finds that the interests of justice do not require appointment of counsel to assist the Defendant, at this time

IT IS, THEREFORE, ORDERED, that the defendant's *pro se* motion for change in placement of confinement and appointment of counsel (Doc. No. 29), is **DENIED**.

SO ORDERED.

Signed: April 5, 2023

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

